

March 25, 2014

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OFFICE  
CIVIL

Jeff S. Jordan  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

**Re: MUR 6789**

Dear Mr. Jordan:

I am writing in response to your letter dated March 11, 2014 regarding a complaint indicating Special Operations for America ("SOFA") may have violated the Federal Election Campaign act of 1971. We believe that the actions of SOFA are in strict compliance with federal law and that the complaint should be dismissed.

The basis of the complaint is two photographs used by SOFA in two fifteen second television commercials in support of a congressional candidate. These photographs appeared for eight seconds in the first advertisement and ten seconds in the second. In both commercials, the photographs were used as background images while additional text, graphics, and voice-over narration conveyed SOFA's message regarding Ryan Zinke's candidacy. The commercials only aired from January 8, 2014 through March 3, 2014. We do not have current plans to rebroadcast these particular commercials again.

The photographs, which are enclosed, were not downloaded from Ryan Zinke's campaign website or the Zinke for Congress Facebook page. They were downloaded from Ryan Zinke's personal Facebook page, which is accessible by the public. The Facebook posting dates indicate that both pictures were put up on December 31, 2013. The pictures do not contain any markings or messages from the Zinke for Congress campaign. During production of the advertisements in early January, SOFA searched multiple public domain sources for images that could be used in the production of the advertisements. We are unaware of any direct tie between the pictures we used from the Internet and the Zinke campaign.

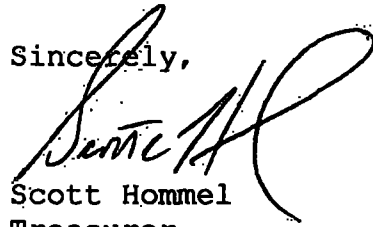
The pictures were taken from a publicly available website and were incorporated into the commercials which also carried SOFA's own, independent thoughts as the primary message.

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Therefore, the singular use of the pictures do not constitute dissemination, distribution, or republication of campaign materials and, further, the commercials do not constitute a contribution by SOFA to Ryan Zinke or the Zinke for Congress committee.

For these reasons, I request that the complaint against SOFA be dismissed. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Hommel", written over the typed name.

Scott Hommel  
Treasurer  
Special Operations for America

enclosures



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